IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

WP(C).No. 960 of 2007(L)

PETITIONER:

A.N.VALSALAKUMARI, TALI,
VASUDEVAPURAM DEVASWOM, KARIKULANGARA MINOR DEVASWOM, ETTUMANUR GROUP, KOTTAYAM.

BY ADV. SRI.R.RAJASEKHARAN PILLAI
SMT.SABINA JAYAN
SRI.M.S.NISHAD

RESPONDENTS:
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1. THE TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY,
DEVASWOM BOARD BUILDINGS, NANTHANCODE,
THIRUVANANTHAPURAM.

2. THE DEVASWOM COMMISSIONER,
THIRUVANANTHAPURAM.

3. THE ASSISTANT DEVASWOM COMMISSIONER,
ETTUMANUR.

BY SC SRI.C.VIJAYAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO. 960 of 2007

Dated this the 12th day of February, 2007

JUDGMENT

The petitioner is working as Tali under the respondent Board. She had been working in Karikulangara Devaswom Temple from June 2001 onwards. On 11.8.2006, the Deputy Devaswom Commissioner(Admn.) wrote to the Assistant Devaswom Commissioner, Ettumanoor Board requesting to post a male employee as Kazhakom in Karikulangara Devaswom on duty arrangement. Consequently, the Assistant Commissioner passed Ext.R1(b) on 29.9.2006 transferring the petitioner from Karikulangara Devaswom to Vasudevapuram Devaswom. It is submitted that the petitioner has been relieved from Karikulangara Devaswom and she has taken charge in the Vasudevapuram Devaswom temple. Sometime in 2003, she was subjected to transfer from Karikulangara Devaswom to Churakavu Devaswom and she had preferred an appeal before

the Devaswom Commissioner. The petitioner approached this Court complaining that during the pendency of the appeal, steps were taken to transfer her from Karikulangara Devaswom. When the matter came up before a Division Bench of this Court, it was submitted on behalf of the Devaswom that the appeal had already been disposed of. Hence, the Division Bench disposed of the matter by directing the concerned authority to give a copy of the order passed in the appeal to the petitioner and leaving it open to the petitioner to challenge the same on obtaining a copy. The Division Bench further directed that the interim stay granted in that case will continue until the copy of the order is served on the petitioner.

2. Counsel for the respondent-Board brings to my notice that Ext.R1(c) is the copy of the order passed by the Devaswom Commissioner in appeal and that a copy of the same had already been served on the petitioner through the subordinate authorities. Counsel for the petitioner submits that no such copy has been served before Ext.R1(c) is produced before this Court and that the petitioner has been relieved from Karikulangara

Devaswom without serving a copy of the order.

3. Heard both sides.

4. Now that copy of Ext.R1(c) has been produced before this Court along with the counter affidavit of the respondent and a copy of the counter affidavit along with Ext.R1(c) and other documents have been served on the counsel for the petitioner, it has to be treated as service on the petitioner herself and she cannot have any further grievance that she has not been served with a copy of the appellate order.

5. The question that comes up for consideration before me is whether Ext.R1(b) order is liable to be interfered with by this Court under Article 226 of the Constitution of India.

6. It is stated in the counter affidavit that the petitioner had been working in Karikulangara Devaswom temple for more than five years and she has been transferred to Vasudevapuram temple which is only 200 metres away from Karikulangara Devaswom temple and that the petitioner cannot have any genuine grievance against the transfer. It is also submitted that the transfer became necessary in the exigencies of service and to

safe guard the interest of the devotees and the temple.

7. I feel that it may not be proper for this Court to interfere with the above arrangements made by the Devaswom under the circumstances. The writ petition is therefore dismissed.

K.K.DENESAN, JUDGE

CSS